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February 8, 1983

REGION I  
OFFICE OF REGIONAL COUNSEL

Mr. Merrill S. Hohman, Director  
Waste Management Division  
United States Environmental Protection Agency  
Region 1  
J. F. Kennedy Federal Building  
Boston, Massachusetts 02203

Superfund Records Center  
SITE: Picillo  
BREAK: 11-9  
OTHER: \_\_\_\_\_

Re: Picillo Waste Disposal Site,  
Coventry, Rhode Island

Dear Director Hohman:

This letter is written in response to your letter of January 20, 1983 to indicate that the University is interested in participating in voluntary response activities or in any other negotiated resolution of this matter. However, it is not possible for Rutgers, The State University to indicate the type and extent of the activities it would be willing to undertake in settlement of any alleged claim until it is satisfied that it is a responsible party.

I would like to recite the University's known relationship to this matter as that is relevant to the extent to which it would be willing to resolve this matter voluntarily. Two bottles of waste were found at the Picillo Waste Facility in Coventry, Rhode Island marked with Rutgers waste disposal labels. The disposal-tags were dated either December 5, 1976 or December 5, 1977 and indicated that the bottles contained spent grinard reagent. During that period of time the University was under contract with Advanced Environmental Technology Corporation to dispose of such wastes. The University did not arrange for hazardous waste to be disposed of in the State of Rhode Island.

Pursuant to a request for information from your office, the University has supplied to you all of the information that it believes relevant, particularly with respect to the two bottles identified. At that time, the University requested the EPA to provide it with any information or documentation that it had so that the University could responsibly follow up on this matter and supply any further information to you that was pertinent. By letter dated December 22, 1982, Mr. Blumstein advised that the EPA would not provide any information to the University unless or until the University received a notification letter. I am assuming that your letter of January 20, 1983, is such a letter, and, therefore, I request that the agency provide us with any information or documentation that you may have which indicates that Rutgers was in any way involved

Mr. Merrill S. Hohman  
February 8, 1983  
Page 2

12310079

with the Picillo Waste Disposal Site so that we may follow up the matter and determine the extent of the activities we might be willing to undertake in settlement of your claims. Specifically, we ask for the briefing package alluded to in Mr. Blumstein's letter, the list of all other parties to whom the letter of January 20, 1983 was addressed, and any additional information which would indicate if any other waste containers were located at the Picillo Waste Site bearing Rutgers identification tags. In order to expedite this request, I am sending a copy of this letter to Joel G. Blumstein, U. S. Environmental Protection Agency, Office of Regional Counsel, J. F. Kennedy Federal Building, Room 2203, Boston, Massachusetts 02203. As this office has also requested information from the Attorney General's office of the State of Rhode Island, I am sending a copy of this response to Daniel J. Schatz, Esquire, Special Assistant Attorney General, Office of the Attorney General, Providence, Rhode Island 02903 and request that he now respond to this office's letters of May 28, 1982 and September 3, 1982 seeking whatever information that office has which would indicate the University's relationship with the Picillo Waste Disposal Site.

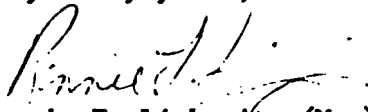
The University would like to state for the record that, while it is willing to attend any meetings which the EPA or the State of Rhode Island holds to resolve this matter, it believes that such meetings should not be held unless and until all relevant information is provided to the alleged responsible parties so that we may develop a meaningful position.

Further, this institution understands that its contractor, AETC, offered to pay \$130, the cost of the removal of the two bottles in question, and that offer was declined by the State of Rhode Island. The University hereby repeats that offer to pay for the -\$130- cost of the removal of those two bottles in exchange for a full release of any further claims against it by the EPA or the State of Rhode Island.

By making the offers contained in this letter, the University is not admitting any liability under 42 U.S.C. §9607(a) and is preserving to itself the defenses against liability set forth in 42 U.S.C. §9607(b). Further, the University also preserves the right to rely on the limitation set forth in 42 U.S.C. §9607(f).

Thank you for your attention to this matter.

Very truly yours,

  
Ronnie F. Liebowitz (Ms.)  
University Counsel

RFL:gbh

cc: Joel Blumstein - Please respond immediately. ✓  
Daniel Schatz - " " "  
Al Dimiero, Esq., Attorney for AETC